

REMARKS

A. Introduction.

Claims 1, 3-10, 12, 15-17, 19-25, 27-31, 33-37, and 39-42 were pending in the application. Claims 1, 3-10, 12, 15-17, 19-25, 27-31, 33-37, and 39-42 were rejected in the Office Action as being unpatentable by cited prior art. By this response, Applicants amended claims 1, 12, and 23, and 24. Applicants respectfully submit that such amendments to the claims (i) are based on the specification and claims as originally filed and (ii) do not introduce new matter. Entry thereof is respectfully requested. In view of the amendment and following remarks, Applicants respectfully submits that claims 1, 3-10, 12, 15-17, 19-25, 27-31, 33-37, and 39-42 are in condition for allowance.

B. Rejection Under 35 U.S.C. § 103(a).

Claims 1, 3-10, 12, 15-17, 19-25, 27-31, 33-37, and 39-42 were rejected in the Office Action under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 5,77,2585 to Lavin (the "Lavin Patent") in view of United States Patent No. 5,343,869 to Pross et al. (the "Pross Patent"). Applicant respectfully traverses.

As discussed in Amendment "A", the Lavin Patent discloses a system that enables medical personnel to input patient information and subsequently retrieve the patient information that was entered (Col. 9, ln. 20 to Col. 10, ln. 67). Generally, "[p]ast medical histories are typically recorded by a nurses or other medical practitioner in a medical clinic" and reviewed by a physician to enable the physician to provide "proper medical care" (Col. 7, lns. 54-59). The Lavin Patent uses multiple interlinked tables to store medical information input by a nurse, medical practitioner and physician (Figures 22-24). For instance, "[t]he past medical history

segment of the screen 102 preferably permits a user to view past diseases in a disease list 104 (associated with the Diagnosis History table 312) that displays diseases previously suffered by the patient in terms of date and disease name" (Col. 8, lns. 19-23). These diseases are selected by a user and the name of the disease appears in "a dedicated text box . . . [as] a type-ahead function . . . display[s] diseases on the disease list 106 as more characters are typed into the text box 108" (Col. 8, lns. 27-30). Similarly, "[t]he patient's habits display 102 is broken down into separate text entry areas for typical medically significant habits such as smoking, coffee drinking, alcohol consumption and exercise habits. Family history is also important in any physician's diagnosis of a patient" (Col. 8, lns. 34-38).

In addition to the above, a physician can input patient information including subjective and objective observations, assessment notes, diagnoses, and treatment plans selected by the physician (Col. 9, lns. 30 – 40). The physician can subsequently retrieve this patient information or other previously entered patient entered information, for example, entered by a nurse prior to an examination or entered during a prior examination (Col. 9, ln. 65 – Col. 10, ln. 57). As depicted in the Lavin Patent, patient information can be entered at one network computer system and retrieved at a different network computer system (Figure 1, Col. 4, lns. 17 – 59).

Generally, the Pross Patent discloses uploading patient information from a remote computer (potentially wirelessly) to a portable electronic acquisition unit (Col. 6, ln. 45 – ln. 48 and Col. 13, lns. 12–15). Similar to the Lavin Patent, the uploaded patient information disclosed in Pross can include clinical history, care-related information, and patient care plan. (Col. 6, ln. 48 – Col. 7, ln. 11).

In contrast to the Lavin Patent and the Pross Patent, the invention claimed in independent claims 1, 12, and 23, and 24 recites generating decision-supported patient data for the at least one

patient by analyzing, "by evaluating, at the decision-support module remote from the mobile user module, the accessed patient data and newly collected patient data for the at least one patient delivered to the patient storage module using the updateable rules and parameters . . . the decision-supported patient data including at least one of (i) one or more potential medical conditions for the at least one patient and (ii) one or more recommendations for medical care for the at least one patient."

The Lavin Patent teaches a system that enables medical personnel to input patient information and subsequently retrieve the patient information that was entered (Col. 9, ln. 20 to Col. 10, ln. 67). Diagnosis of medical conditions and recommendations for medical care are made by the physician as the physician inputs patient information including subjective and objective observations, assessment notes, diagnoses, and treatment plans selected by the physician (Col. 9, lns. 30–40). Similarly, the Pross Patent discloses uploading patient information, such as clinical history, care-related information, and patient care plan, from a remote computer (potentially wirelessly) to a portable electronic acquisition unit (Col. 6, ln. 45–Col. 7, ln. 11 and Col. 13, lns. 12–15).

Neither the Lavin Patent nor the Pross Patent teach or suggest a system that generates decision-supported patient data that includes "at least one of (i) one or more potential new medical conditions for the at least one patient and (ii) one or more new recommendations for medical care for the at least one patient" as "the accessed patient data and newly collected patient data for the at least one patient delivered to the patient storage module [are evaluated] using the updateable rules and parameters."

For at least the foregoing reasons, Applicants respectfully submit that the Lavin Patent and the Gross Patent fail to anticipate or obviate the recited claims, either singly or in combination. For at least the foregoing reasons, Applicants respectfully submit that the pending claims, 1, 3-12, 15-21, 23-25, 27-31, 33-37, and 39-42 are now in condition for allowance.

C. Summary and Conclusion.

In view of the foregoing, Applicant respectfully requests favorable reconsideration and allowance of the present claims. In the event that the Examiner finds any remaining impediment to the prompt issuance of the pending claims, which could be remedied through a telephonic conversation, or which is susceptible to being overcome by means of an Examiner's Amendment, the Examiner is respectfully invited to initiate the same with the undersigned attorney.

Dated this 12th day of January, 2005.

Respectfully submitted,



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